

Washington, DC — Congressman Joe Sestak (D-PA) voted for the Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act in the House Education and Labor Committee, bringing the bill to the House Floor. The RESPECT Act provides greater clarity to the National Labor Relations Act (NLRA) definition of “supervisor,” which has been interpreted too broadly. — “I believe it is integral that we must protect for the economic security of all Americans, and the RESPECT Act is a critical piece of legislation that will provide hardworking Americans, such as nurses and skilled building trade workers, with the opportunity to organize and collectively bargain,” said Congressman Sestak, “Unlike other workers, ‘supervisors’ do not have protection under federal labor law to form and join unions. There are numerous examples of cases when employers often try to classify workers as ‘supervisors’ in order to deny them the right to organize and collectively bargain.”

The NLRA provides certain rights and protections to employees who exercise the right to join unions, to collectively bargain, and to protect themselves from employer discrimination for exercising those rights. However, these protections only apply to “employees” as defined in the NLRA, and the term employee does not include anyone who is deemed to be a supervisor.

The bill was introduced following the issuance of three misguided National Labor Relations Board (NLRB) decisions: Oakwood Healthcare, Croft Metals, and Golden Crest Healthcare Center, collectively known as the “Kentucky River” decisions. The decisions broadened the definition of supervisor to capture employees with minor supervisory duties and thereby put the rights of millions of professional and skilled workers at risk. The decisions particularly affect nurses and skilled building trades workers who often assign tasks to and direct the work of lesser skilled and less experienced workers. In these cases, the NLRB radically broadened its interpretation of two terms – among twelve enumerated supervisory functions in the Act – namely, “assign” and “responsibly to direct.”

The RESPECT Act makes two minor modifications to the NLRA: (1) it would delete the long-ambiguous words “assign” and “responsibly to direct” from the statutory definition of “supervisor”; and (2) it would clarify that a “supervisor” has supervisory authority for at least 50 percent of his or her work time.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of “Deep Blue,” the Navy’s anti-terrorism unit that established strategic and operations policies for the “Global War on

Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. House of Representatives.